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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,661	01/08/2002	Natsuhiko Mori	100725-00068	9809

4372 7590 04/16/2003

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EXAMINER

COMPTON, ERIC B

ART UNIT	PAPER NUMBER
3726	

DATE MAILED: 04/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

MP

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/038,661	MORI ET AL.
	Examiner Eric B. Compton	Art Unit 3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06 March 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. 09/504,718.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Priority***

1. Applicant needs to update the specification for the claim for domestic priority to reflect the issuance of Application No. 09/504,178 as US Pat. 6,357,920.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-008101 to Matsukawa et al (NIPPON KAGAKU YAKIN KK).

Matsukawa et al disclose a method for producing a sintered oil retaining bearing having a cylindrical bearing body composed of a porous body formed of a sintered metal, the method comprising; charging metal powder into a forming die; imparting a relative motion between the forming die and a forming core rod; and compacting metal powder using the forming die and the forming core rod.

In Figure 9(a), powder is first charged into the recess between the die (24) and the core rod (28). In Figure 9(b), the core rod (28) is relatively moved (raised) with respect to the die. Next in Figure 9(c) the upper (22) and lower die (30) compact the powder.

An oral translation of the chart of Figure 31, reveals that the last column on the right corresponds to the outer oil leakage "diameter," which in turn would correspond to the diameter of the surface openings. The top row corresponds to the prior art and the bottom row corresponds to their invention. As listed in the chart, the diameter is between 4-20  $\mu\text{m}$  (.004 - .020 mm) and 4-25  $\mu\text{m}$  (.004 - .025 mm) for the prior art and their invention, respectively.

***Response to Arguments***

4. Applicant's arguments filed March 6, 2003, have been considered but are not found persuasive.

Applicant's only contention is that the prior art does not disclose a sintered oil bearing having pores with a diameter that does not exceed 0.05 mm.

An oral translation of the chart of Figure 31 of Matsukawa et al, reveals that the last column on the right corresponds to the outer oil leakage "diameter," which in turn would correspond to the diameter of the surface openings. The top row corresponds to the prior art and the bottom row corresponds to their invention. As listed in the chart, the diameter is between 4-20  $\mu\text{m}$  (.004 - .020 mm) and 4-25  $\mu\text{m}$  (.004 - .025 mm) for the prior art and their invention, respectively. Thus, Matsukawa et al clearly anticipated applications claim of a method of forming a sintered oil bearing having pores with a diameter that does not exceed 0.05 mm.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory M. Vidovich can be reached on (703) 308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ebc *EC*  
April 11, 2003

*Greg Vidovich*  
GREGORY VIDOVICH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700